

REMARKS

Applicant has reviewed and considered the Office Action dated June 13, 2001.

In response thereto, claim 21 is amended.

However the ".....to allow air flow in and out of the tray and ventilate under the pot body thoroughly" is written in the claim 21 or not, air always flow thoroughly under the pot body because the clearance/ distance was disposed there in the figures. Also, Applicant had indirectly indicated in the original application that air flow under the pot thoroughly (page 2, line 15 to 16, and page 3, line 7 in original application). Water damage the roots because the water blocked air flow under the pot. That "the roots will never been damaged by water" means a space between the pot and the tray or plastic film created by the leg.

Claims 8, 20 and 21 are rejected under 35 U.S.C. 103(a) as being anticipated by Moskowitz and Worrell. Applicant respectfully traverses the rejection for the following reasons. Moskowitz does not disclosed the legs extending from the bottom wall of the pot separately. Moskowitz disclosed " Integrally extending from the bottom wall 18 is a pedestal 22 having three legs 24 arrayed in the sharp of a Y. the legs 24 of the pedestal are hollow and thereby provide an interconnected chamber connecting with the hollow pot for dirt and plant roots to grow therein." (column 2, lines 43 to 48). Also, Moskowitz claimed ".....a hollow pedestal retaining at lease a portion of the plant roots within the base section said pedestal being in the shape of a Y." (column 3, lines 66 to 67 and column 4, lines 1 to 2). In Moskowitz's invention: 1. The legs 24 are interconnected; 2. ".....provide an interconncted chamberfor..... plant roots to grow therein." Clearly: 1. The plant roots in Moskowitz's pot still will being damaded by water because the roots grow down

to water level; 2. The shape of Y blocked air flowing under the pot thoroughly; 3. The side wall of each leg is open (if they are separated). In the present invention: 1. The legs are never interconnected so that air flow under the pot thoroughly; 2. Plant roots can rarely grow down to the bottom of the legs, so that the plant roots will never be damaged by water; 3. The side wall of the legs is closed (no such chamber appeared), so that more water can be reserived in the tray. Clearly, either the structures or the functions are different in the two inventions.

Worrell disclosed a flower pot which is to avoid the plant rotting by excessive water only, the parts (numeral 16) are support to make a space between the pot and the tray, but the water in tray can not be sucked up by the supports to pot for plant use, that is not a self watering pot apparatus, or say the apparatus does not show or describe the above discussed features in claim 8 in present invention. Also, there is no motivation or suggestion to combine Moskowitz with Worrell, because Worrell discloses an entirely different type of flower pot from Moskowitz. Applicant does not understand why Examiner cited Worrell's invention to combine Moskowitz's invention then against the present invention. Applicant believe Moskowitz's invention already included the function which disclosed in Worrell's invention (a Y shape as a support to make a space between the pot and the tray). All self watering pot apparatus invention those had issued can be rejected if such combination (combine Moskowitz's with Worrell' invention) can be established, or say Moskowitz's invention is not new if such combination can be established (use others issued self watering pot apparatus combine with Worrell's invention to against Moskowitz). In present invention, the structure of the leg is different compare with Moskowitz or Worrell's invention. Thus, Applicant respectfully submits that claims 8, 20 and 21 are

patentable over Moskowitz and Worrell.


Claims 8, 20 and 21 are also rejected under 35 U.S.C. 103(a) as being anticipated by Gautrot and Worrell. Applicant respectfully traverses the rejection for the following reason. Gautrot does not disclose the tubes 25, 33 and 45 having a bottom wall and the pot has bottom hole. The tubes 25, 33 and 45 in Gautrot's invention look more like anchor tubes in Shackelford's invention (numeral 24, US 3611633). In present invention, the leg having a bottom wall. Clearly, the leg in present invention is different with the tube which Gautrot disclosed. Thus, Applicant respectfully submits that claims 8, 20 and 21 are patentable over Gautrot and Worrell.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph. Applicant respectfully traverses the rejection for the following reason. The tray which discribed in claim 21 is a part of the pot claimed in the claim 20. While the pot being used inside of building, the tray must be accompanied with the pot to reserve water for plant use, while the pot being used in greenhouse, plastic film or others material maybe instead of the tray to hold water.

In view of the above, it is respectfully submitted that the present application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

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Respectfully submitted

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